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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2011-108**

12 **DENISE LYNN SCHROEDER,**  
13 **a.k.a. DEEDEE SCHROEDER,**  
**a.k.a. DENISE LYNN HERRERA**  
14 **1326 Monarch Lane**  
**Davis, CA 95618**

**A C C U S A T I O N**

15 **Registered Nurse License No. 572805**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
22 Department of Consumer Affairs.

23 2. On or about October 12, 2000, the Board issued Registered Nurse License Number  
24 572805 to Denise Lynn Schroeder, also known as Deedee Schroeder ("Respondent").  
25 Respondent's registered nurse license was in full force and effect at all times relevant to the  
26 charges brought herein and will expire on May 31, 2012, unless renewed.

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1       7. Code section 2726 states that "[e]xcept as otherwise provided herein, this chapter  
2 confers no authority to practice medicine or surgery."

3       8. California Code of Regulations, title 16, section ("Regulation") 1442 states:

4               As used in Section 2761 of the code, 'gross negligence' includes an  
5 extreme departure from the standard of care which, under similar circumstances,  
6 would have ordinarily been exercised by a competent registered nurse. Such an  
7 extreme departure means the repeated failure to provide nursing care as required or  
8 failure to provide care or to exercise ordinary precaution in a single situation which  
9 the nurse knew, or should have known, could have jeopardized the client's health or  
10 life.

### 11                               COST RECOVERY

12       9. Code section 125.3 provides, in pertinent part, that the Board may request the  
13 administrative law judge to direct a licensee found to have committed a violation or violations of  
14 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
15 enforcement of the case.

### 16                               FIRST CAUSE FOR DISCIPLINE

#### 17                               (Gross Negligence)

18       10. At all times relevant herein, Respondent was employed as a registered nurse in the  
19 Birthing Center at Sutter Davis Hospital, Davis, California.

20       11. On or about December 6, 2008, Registered Nurse Leah Russo ("Russo") was assigned  
21 to work as the lead charge nurse in the labor and delivery unit on the evening shift, from 1900 to  
22 0700 hours. Respondent was the lead charge nurse on the day shift. Russo called Respondent  
23 and related that she was very ill with a migraine headache. Respondent indicated that another  
24 nurse had called in sick and that the shift was short staffed. Despite her condition, Russo came to  
25 work before 1900 hours and went into the lounge to lie down. Russo was reported as feeling very  
26 ill. Respondent decided that intravenous fluids ("IV") should be given to Russo to treat her  
27 vomiting; however, there was no physician's order for the IV. Respondent gathered the IV  
28 equipment and brought it into the lounge. In the interim, Registered Nurse Sayo Iseri ("Iseri")  
reported on duty and was asked to be the lead charge nurse in Russo's place. Respondent asked  
Iseri to start the IV on Russo. Iseri asked Russo if she wanted the IV, and Russo indicated that  
she did. Iseri started the IV as directed by Respondent.

1        12. Respondent is subject to disciplinary action pursuant to Code section 2761,  
2 subdivision (a)(1), on the grounds of unprofessional conduct, in that on or about December 6,  
3 2008, Respondent was guilty of gross negligence within the meaning of Regulation 1442, as  
4 follows: Respondent made the decision to start IV fluids on Russo and ordered Iseri to start the  
5 IV fluids when, in fact, there was no physician's order for the IV. Further, Respondent had not  
6 consulted with a physician and had no legal authority to make independent medical decisions.

7                                    **SECOND CAUSE FOR DISCIPLINE**

8                                    **(Unprofessional Conduct)**

9        13. Complainant incorporates by reference as though fully set forth herein the allegations  
10 contained in paragraphs 10 and 11 above.

11        14. Respondent is subject to disciplinary action pursuant to Code section 2761,  
12 subdivision (a), in that on or about December 6, 2008, Respondent committed acts constituting  
13 unprofessional conduct, as set forth in paragraph 12 above.

14                                    **THIRD CAUSE FOR DISCIPLINE**

15                                    **(Exceeding Scope of Practice)**

16        15. Complainant incorporates by reference as though fully set forth herein the allegations  
17 contained in paragraphs 10 and 11 above.

18        16. Respondent is subject to disciplinary action pursuant to Code section 2761,  
19 subdivision (d), in that on or about December 6, 2008, Respondent violated or attempted to  
20 violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate  
21 sections 2725 and/or 2726 of that Code by exceeding her scope of practice as a registered nurse,  
22 as set forth in paragraph 12 above.

23                                    **PRAYER**

24        WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
25 and that following the hearing, the Board of Registered Nursing issue a decision:

26        1. Revoking or suspending Registered Nurse License Number 572805, issued to Denise  
27 Lynn Schroeder, also known as Deedee Schroeder and Denise Lynn Herrera;  
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1           2.    Ordering Denise Lynn Schroeder, also known as Deedee Schroeder and Denise Lynn  
2 Herrera, to pay the Board of Registered Nursing the reasonable costs of the investigation and  
3 enforcement of this case, pursuant to Business and Professions Code section 125.3;

4           3.    Taking such other and further action as deemed necessary and proper.

5  
6 DATED: \_\_\_\_\_

8/9/10

for

  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
Complainant

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